

whatsoever which would result in the same thing that the act of the defendant in the first section of the law has violated the law.

All that the Supreme Court has accomplished is to require the person making the contract to go one step further and ascertain whether the effect of his contract upon trade is reasonable or unreasonable.

The common law has been cited frequently to sustain the Sherman anti-trust law. Mr. Justice White emphasizes the fact that neither the common law nor the Sherman law denounces a monopoly in the concrete. But you will see that in any common law case which vaguely declared that "every contract, combination or agreement in restraint of trade shall be void."

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WE'VE just issued an illustrated catalog giving the names and experience of 83 local owners of Spencer Steam or Hot Water Heaters.

Shall we mail a copy?

SPENCER HEATER CO.
N. Y. Office, 501 Fifth Ave., Cor. 42d St.

The exhibition by sitting in a damp seat and amid intermittent showers after the protection of the grand stand roof that he might see the work at closer range.

It was raining with a steady persistence when Mr. Taft awoke in Pittsburgh this morning. It looked as though it was set for an all day downpour, but hardly had the rain begun to drive a block in his automobile before his weather luck asserted itself and though there were short showers in the morning the rain did not succeed again in getting a firm grip.

After the mine rescue show the President was taken for lunch with the Historical Society of Western Pennsylvania. In one respect at least the lunch was remarkable. It was the first public meal of which Mr. Taft has partaken in the last forty-six days at which he has not been called upon to make a speech.

In the afternoon the President was taken out on the Monongahela River to celebrate the centennial of steam navigation on the Western river. The first steamer to ply on a Western river was the New Orleans, built a hundred years ago by Nicholas Roosevelt. A replica of the quaint old craft was built and floated on the river to-day for the centennial celebration. It was christened this afternoon by Mrs. Roosevelt, the wife of the President.

The President was taken on board the Virginia as the flagship of the river fleet. That ship boasted flags in the colors of the Western river. The floating bunting factory, for enormous national emblems and banners of the Pittsburgh colors of black and gold literally floated in the air.

The President went to his train after the Chamber of Commerce banquet ready for a sound sleep. He visits Morgantown, W. Va., to-morrow.

STRIKE IN HONOR OF M'NAMARA Industrial Workers Plan to Be Sympathetically Idle All Through Trial.

The Industrial Workers of the World had a meeting at the Manhattan Lyceum at 8 p.m. last night at which it was announced that they would strike on the first day of the trial of J. B. McNamee at Los Angeles and would stay out on strike until the trial was ended.

This, according to the speakers, was to show the sympathy of the Industrial Workers for the accused dynamiter.

Ben Reitman, who usually appears in public as a hobo leader rather than an industrial worker, presided at the meeting, and Emma Goldman spoke, saying that she had assurance from workers all over the country that they would join the strike.

He said that he thought the Bridge and Structural Iron Workers could come in and was sure that the men employed by United States Steel would show their sympathy. The American Federation of Labor has not approved of the proposed strike.

HITCH IN MACFARLAND CASE. Alleged Wife Poisoner Not Permitted by His Counsel to Plead.

The arraignment of Allison MacFarland in the Court of Oyer and Terminer in Newark yesterday on the indictment charging him with the murder of his wife by cyanide of potassium poisoning was interrupted by a verbal clash between the prosecutor and the accused.

The clash occurred when McDermitt informed that the State was trying to railroad his client. Judge Davis expressed surprise at the remark and he told the lawyer that there was nothing to justify it.

The prosecutor was about to read the indictment when McDermitt made a motion that it be quashed. He then said that he had not a chance to read the charge and that he would allow his client to enter a plea.

The prosecutor announced that he would not arraign the accused man.

It became known yesterday that Mr. and Mrs. George A. Crockett of Rockland, Me., parents of MacFarland, changed their attitude toward him after they were visited last week by Detective Godfrey of the prosecutor's office.

Crockett is reported to have said that both he and his wife would be willing to come to Newark and testify.

QUEER SHOOTING CASE. Killed With Revolver That Bartender Had Just Snapped at His Own Head.

George Snyder, 30 years old, of 126 Ferry street, Jersey City, son of former Councilman Harry Snyder of Hoboken, was shot through the right eye and instantly killed last night by Jeremiah Lawlor, the bartender at Seelye & Lawlor's saloon, 614 Newark street, Hoboken.

Snyder and Joseph Martin of 602 Newark street were making dice for drinks when the bartender, Snyder had lost four rounds. As he picked up the dice box again he said:

"That's all right. I'm good for anything in the shop, ain't I, Jerry?"

"Sure you are," replied the bartender. Then he drew a revolver from a drawer below the cash register and after placing it at his head he pulled the trigger.

The gun only snapped. When Snyder then pulled the trigger and pulled the trigger again. This time it went off.

He was arrested, and next to clock he was arraigned before Recorder McGovern. Martin told the story of the shooting and Wilson was remanded without bail.

The detective examined the revolver. It had five chambers. Three of the cartridges had not been discharged. On one they found a mark on the cap which the hammer had descended but had not exploded the cartridge, and one of the shells was empty.

Heard on the 15th Street Club. The Public Service Commission will hold a hearing on November 3 on the advisability of directing the installation of an escalator at the 15th street terminal of the Sixth and Ninth avenue elevated lines. The matter was up once before but the company refused to make the improvement.

NO MONEY PAID, SAYS MURPHY STORY THAT TAMMANY HALL GOT \$10,000 IN "ALL ROT."

Yes, He Will Testify Any Time That He Is Wanted—Investigation of Judiciary Nominations Seemingly Shifted to Queens Whittman's Office Will Help.

Charles F. Murphy, leader of Tammany Hall, said yesterday that the talk that he had had anything to do with the nomination of William Willett for the Supreme Court bench in Queens or that any part of the \$10,000 that is supposed to have something to do with the nomination reached Tammany Hall was "all rot."

Mr. Murphy rarely talks to reporters for publication, but he took the opportunity yesterday when he asked the newspaper men to quote him as saying that not only was no money left at Tammany Hall on October 5 or any other day as a contribution to the organization's campaign fund in return for the nomination of Mr. Willett but that he had not even been asked whether or not Mr. Willett's nomination would be approved by him.

"I did not discuss with anybody the question of making nominations in Brooklyn or Queens," Mr. Murphy said. "That was a matter for those counties to decide, and no one came here to ask my advice concerning the nominations. All this talk of money being passed in Tammany Hall is untrue. I do not know who names have been mentioned as being concerned in this alleged transaction. Nor do I know Mr. Callahan or Mr. Ketcham, the other candidates on the judicial ticket, and I never discussed the nominations of these men with any one."

It is true that about two days before the conventions I talked with Joseph Cassidy in Tammany Hall, but not a word was said by him to me as to the probable judicial candidates, and I did not ask him who the candidates might be, because I did not want to have anything to say on the situation in Brooklyn.

"I have just had shown to me a story in an afternoon paper that some one—I think it is either the District Attorney over in Brooklyn or the District Attorney here—wants to subpoena me. There is no need of my appearing. If a subpoena is issued it is a matter for me to know when and where I am wanted and I will respond without any legal formalities. From now until election day I shall be here in Tammany Hall every day, so that there can be no trouble in reaching me. I rather think, however, that I shall not be called. It is merely one of those political moves that happen in every campaign in an attempt to discredit the Democratic party."

Investigation of the complaint brought before District Attorney Whitman in this county was begun yesterday on October 5 and the direct handling of Mr. Whitman was taken over to Queens to be directed there before a Supreme Court judge by District Attorney Erick G. De Witt of that county.

Mr. De Witt of that county, District Attorney Whitman came to this decision for the reason that he is convinced that the more serious of the crimes alleged were committed in Queens and that the people of Queens and Kings are the most directly affected. The allegations that on October 5 \$10,000 was handed over at Tammany Hall, the next day to the nomination of Willett, go to the credit of Queens and Kings.

Assistant District Attorney De Ford, as head of the election fraud investigating bureau, said yesterday that he had examined a number of witnesses yesterday at the Criminal Court Building and will assist the Queens attorney in pushing the case.

Meier Steinbrink, attorney for William Berri of the Standard Union, who presented the original evidence for the complaint, will also assist. The investigation before a Justice of the Supreme Court sitting at Magistrate in Queens will open on Thursday. The Justice has not been decided on, although it was said that it might be either Justice Scudder or Justice Crane. Fifteen Justices are sitting in Brooklyn and none is sitting in Queens, said Mr. De Witt.

The determination to ship the case to Queens was reached after a conference between the two District Attorneys, Mr. De Ford and Meier Steinbrink in the late afternoon.

Joseph Cassidy, leader of the Queens Democrats, and Leader McGovern, the Brooklyn Democrat, are not going to appear before Mr. De Ford yesterday in answer to subpoenas, although it was said at McGovern's headquarters in Brooklyn that he had intended to appear at the Criminal Court Building to answer Mr. De Ford said that the two Willett brothers had not been subpoenaed.

The three main witnesses that appeared before him were Mr. De Ford, who were Ellis Weston, paying teller of the Bank of Long Island at Jamaica, from which Callahan said Willett drew \$10,000 on the day of his nomination; Stanley of the National Bank of Far Rockaway and ex-Alderman William J. Hyland, a contractor and real estate man living in Queens, who was said to have been a campaign manager for Willett, had been subpoenaed. James Hicks appeared in answer, but he was Farmer Hicks, who has been called a "whiskered, not a politician." He went back to the farm unquestioned.

One of the big witnesses who are very much wanted in the case, said Mr. De Ford, started two days ago on an anti-trip leaving word that he was to be out from all efforts of telegraph, post or subpoena to reach him. The Assistant District Attorney refused to say who he was.

It was said that there is evidence in hand to account for \$10,000 of the \$37,500 that had been received by the Willett brothers but has not yet produced all the evidence necessary.

Clarence J. Shearn said yesterday that the complaint had not been filed before the District Attorney at his initiative or that of the Independence League. He had only talked over the matter with the District Attorney and Judge Rosalsky on the previous day and knew nothing of the case from his own knowledge.

This statement given out by Mr. Whitman yesterday afternoon: An investigation of the complaint made to me that certain persons had conspired to promote and secure the nomination of William Willett to the Supreme bench by the means of money therefore and had paid such money has convinced me that most of the acts constituting the alleged offense were committed in the county of Queens.

The people of the counties of Kings and Queens are directly affected by the commission of the offense complained of, as the nomination alleged to have been secured was for the place of a Justice who will preside over sessions of the Supreme Court in those counties.

Notwithstanding information and evidence which has come to me tending to show the doing of an act to effect the objects of such conspiracy within New York county I am convinced that the public interest requires that the evidence adduced in support of the complaint be presented to a Justice of the Supreme Court sitting as Magistrate in the county of Queens.

Being of that opinion I have directed my assistant Mr. De Ford who has presented the evidence with respect to the complaint, to proceed to Queens county and there cooperate with the District Attorney of that county in presenting the evidence to a Justice of the Supreme Court sitting as Magistrate in that county. Meier Steinbrink, counsel for William Berri (upon whose information I acted in conducting my investigation of this matter), has been of great assistance to me in securing the evidence and in the preparation thereof.

THE BUDGET IS \$189,210,950 TAX RATE NEXT YEAR WILL BE 13 TO 15 CENTS UP.

Department Estimates and Tax Deficiency Fund Paid to Give the Women Teachers Equal Pay Without Raising Total Statement Made by the Mayor.

The budget for the coming year was fixed last night by the Board of Estimate at \$189,210,950. The board had been in session all day pruning down the departmental estimates so as to get in the nearly \$4,000,000 needed to provide for the equalization of teachers' salaries. To do this many of the departmental appropriations were cut down. Small items to the amount of \$1,700,000 were taken out of the tentative budget; \$2,700,000 was deducted from the \$10,000,000 which was intended to put aside for the tax deficiency fund; about a hundred items were cut out of the Board of Education's first appropriation, which reduced the budget \$230,000, and \$194,000 was paid off the amount which had been tentatively given to the Board of Health.

The budget for this year was \$173,967,865. The tax rate for this year was 1.73, and it is estimated that the tax rate for next year will be between 1.85 and 1.88. The exact rate cannot be determined until after December 31, when the total of the general fund for the reduction of taxation is made up.

Mayor Gaynor issued this statement last night: The increase in the sums allowed the departments whose heads are appointed is normal, less than \$2,500,000. The great increase is in items outside of the expenses of the city government.

This year the State returns to a land tax. This makes an item of about \$4,500,000. The State returns to a land tax. This makes an item of about \$4,500,000. The State returns to a land tax. This makes an item of about \$4,500,000.

Then there is an item of \$10,000,000, part of a large sum which accumulated for years instead of putting each in the current budget and tax levy. Last year we had to put a similar amount of such arrears in our budget. Next year what remains of it will go into our budget and all of it will thus be cleared up.

This accumulating deficiency came largely from uncollectible personal taxes. These personal tax deficiencies have disordered our finances for years. The personal tax is a hanging ought to be abolished. The State returns to a land tax. This makes an item of about \$4,500,000.

Acquitted Accused Policeman. Jury Finds That Huntington Did Not Rob Russian Immigrant.

Robert R. Huntington, formerly a policeman of the Union Market station, was acquitted yesterday before Judge Crane in General Sessions of a charge of grand larceny. The jury was out three and a half hours. Huntington was accused of helping John Horay to swindle John Konstantin, a Russian immigrant, out of \$300. He was dismissed from the Police Department on charges brought by Konstantin. W. E. Murphy, counsel for Huntington, said that he thought his client's chances for reinstatement on the force were now excellent.

After Horay had been convicted Judge Scudder before whom he was tried, suggested that the eight policemen who testified should be tried by Police Headquarters for testifying falsely. They were dismissed.

MAY ESCAPE ELECTRIC CHAIR. Woman's Confession Gives Hope to Man Condemned to Die.

COLUMBUS, Ohio, Oct. 31.—Steve Scott, sentenced to die in the chair here on Thursday night for the murder of a man near Piqua more than two years ago, may be released as the result of a confession by Mary Jones of Detroit, who says she was threatened with death by Charles Jones unless she testified at the trial that it was he who shot and killed Scott and Jones went with the girl and there was intense rivalry between them. Jones is serving a twenty year sentence in the penitentiary.

QUEER BALLOT BOXES. Triple Locked but Easily Opened Without a Key.

The Hudson County Grand Jury in Jersey City yesterday criticized the \$4.75 ballot box now in use in the county. The boxes are triple locked, but the jurors found that it was a simple matter to take them apart by the use of a screwdriver and the screws of rods passing through the sides of the boxes. The presentment set forth that "a box of cardboard would be just as effective."

Indictments against William J. Smith, James McLaughlin, Harry S. Pitt and Arthur A. Wright, the election board in the Eighth district of the Fourth ward, Jersey City, for violating the election laws in incorrectly counting ballots at the September 19 election, Democratic primaries were handed up in open court.

Blackwell's Island Registration. Having read in the newspapers that some persons were inclined to find fault with the registration returns on Blackwell's Island because of a seemingly unusual increase in the number of voters Commissioner Drummond has notified the District Attorney's office to investigate.

"If there are any persons on the island," he told George V. Medalle, Assistant District Attorney, "who are not entitled to vote of course we don't want them to do so. At the same time we don't want our employees, who have an unquestionable right to vote, to be frightened by rumors of arrests and imprisonment."

Reports 350 Illegal Registrations. The Republican county committee's bureau for the investigation of registration frauds reports that up to Monday night more than 250 cases of illegal registration had been sent to the District Attorney's office and that 100 more were sent in last night. The report comments upon registration frauds from buildings long vacant and from stables in the First, Sixth, Thirtieth and Thirty-fifth Assembly districts, and says that one floater registered as residing at the home of a Justice of the Supreme Court.

Can Sue Natural History Museum for Damages. Frank Duke, a workman employed by the American Museum of Natural History, brought suit because an exhibit case fell on him and crushed him so that he was confined to a hospital for some time and sustained permanent injuries. The defendant set up in his answer that it is an insoluble puzzle as to the development of the study of natural sciences, that none of its officers are salaried and because it is a benevolent and eleemosynary institution.

Gov. Wilson Optimistic. Says He Is Confident That the Democrats Will Carry the Legislature.

TRENTON, N. J., Oct. 31.—After a week out of the State Gov. Wilson returned to his desk in the capitol this afternoon. One of his first statements was that he was confident of Democratic successes in the coming year. He said that the Democrats were in control of the House and securing the upper hand in the Senate.

"I have noted the audiences in all of the counties of the State," said the Governor, "and I fall to see any change in their makeup from those which greeted me last fall. The spirit of progressiveness is in the air and the development of the study of natural sciences, that none of its officers are salaried and because it is a benevolent and eleemosynary institution.

Gov. Wilson was asked about Essex county, but he would not venture an opinion as to how the county could go. "I am not a prophet," he said.

Statement to the Public

November 1st, 1911.

Owing to increased cost, your grocer must get 38 cents per pound for

Hotel Astor Coffee

until coffee market conditions change. Coffee prices have been advancing rapidly for some time, but we have delayed increasing the price of "Hotel Astor" until absolutely necessary.

The Quality of Hotel Astor Coffee will always be maintained at its original high standard, irrespective of price conditions.

B. FISCHER & CO., IMPORTERS, NEW YORK

TAMMANY CANDIDATES TOLD. William Temple Emmet Is Ashamed of the State League Fusionists.

The candidates on the Democratic county ticket were formally notified yesterday at the Knickerbocker Hotel of their nominations. It was not a large gathering, less than fifty being present. Among the number were three district leaders, two Assemblymen and two Congressmen. The district leaders were J. P. Prendergast of the Twenty-fifth district, Thomas F. McAvoy of the Twenty-third and John C. Fitzgerald of the Third, while the others were Assemblymen Foley and Smith and Congressman Sulzer and Goldfogle.

William Temple Emmet, who was until recently one of the leaders of the Democratic League, made the notifying speech. He said that there was never a moment when there was less excuse than at present for factionalism in the Democratic party. Referring to the action of the fusionists in refusing to endorse the nominations of Justices Cohan and Goldfogle, he said:

"We are witnessing the disgraceful spectacle of a partisan and factional attack being made on those men, for no other reason than that the perpetrators of this outrage think that by accomplishing the defeat of these upright Judges, they will better themselves in a factional fight which they have undertaken within the Democratic party here."

Was there ever such a preposterous situation presented to an intelligent electorate to be asked to vote against tried and true Judges, into the question of whose nomination no factional or partisan consideration entered at all, simply to help a few men engaged in a factional enterprise, which they themselves assert was undertaken from the highest motives, but which many people believe was undertaken very largely for the self-aggrandizement of those engaged in it. I am proud to be working with the regular organization of my party on such an issue as this. I am ashamed of the action of those who call themselves good citizens, yet who are trying to do an injury to our efforts for the purpose of helping themselves politically."

On the subject of the duty of independent Democrats this year I want to say one more word. Even if some of our independent friends don't like everything that was done at Albany last winter they are, in my opinion, if they have one spark of Democratic blood in their veins, acting in a very mistaken way in trying to defeat a Democratic Legislature next year. Personally I think that taking everything into account our party is entitled to commendation rather than condemnation for the record made at Albany last year. And I am certain that next winter if we control the Legislature the record will be even better still."

All the candidates with the exception of Justices Scott, were present and made brief speeches accepting the nomination. Justice Scott wrote a letter.

SECOND DEFEAT FOR TERRY. Appetite Division Decides Against Brooklyn Insurgent Assemblyman.

The Appellate Division of the Supreme Court, Brooklyn, yesterday sustained the decision of Justice Blackman denying to Assemblyman Edward R. Terry a place on the ballot as an independent candidate for the Assembly in the First district, on the ground that many names of the nominators had been fraudulently inserted on the certificate of nomination.

The case is to be carried to the Court of Appeals, and if the final decision is adverse to Terry he will still remain in the race and will ask his friends to write his name on the ballot. Terry was thrown down by renomination by the Democratic managers by way of rebuke for his insurgency at Albany.

Byron Burr, who writes the opinion of the Appellate Division, says: "It would tend to embarrass and not facilitate the election if the official ballot, now sufficiently unwieldy, were further encumbered by the appearance thereon of the names of candidates whose certificates were the result of forgery and fraud."

Boy Dies From Football Injury. BY RINGHILL, Ill., Oct. 31.—Louis Luthy, 15 years old, a pupil at South Boundary school, died to-day as a result of injuries sustained in a football scrimmage two weeks ago. He was injured in the hip, an abscess formed and blood poisoning developed.

VICHY CELESTINS. Standard Natural Alkaline Water.

A Delightful Table Water with Highly Medicinal Qualities.

Standard Remedy for Dyspepsia, Stomach Troubles and Gout.

Owned by and bottled under the direct control of the French Government.

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